

By: Phillips

H.B. No. 1107

A BILL TO BE ENTITLED

AN ACT

relating to criminal liability for certain federal motor carrier safety violations; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 644.151, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (d) to read as follows:

(a) A person commits an offense if the person:

(1) violates a rule adopted under this chapter; ~~[or]~~

(2) does not permit an inspection authorized under Section 644.104; or

(3) knowingly operates a commercial motor vehicle in violation of 49 C.F.R. Section 385.13 or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of 49 C.F.R. Section 385.13.

(b) Except as provided by Subsection (d), an ~~[An]~~ offense under Subsection (a)(1) or (a)(2) ~~[this section]~~ is a Class C misdemeanor.

(b-1) An offense under Subsection (a)(3) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in bodily injury; or

1 (2) a felony of the second degree if it is shown on the
2 trial of the offense that at the time of the offense the commercial
3 motor vehicle was involved in a motor vehicle accident that
4 resulted in the death of a person.

5 (d) An offense under Subsection (a)(1) or (2) relating to
6 brakes, tires, or load securement is a Class C misdemeanor
7 punishable by a fine of not less than \$150 or more than \$500 if the
8 offense involves a violation of:

9 (1) the federal regulation involving unsatisfactory
10 rated motor carriers, 49 C.F.R. Section 385.13, as that regulation
11 relates to brakes, tires, or load securement;

12 (2) a regulation under 49 C.F.R. Part 393, Subpart C,
13 as that regulation existed on April 1, 2014;

14 (3) 49 C.F.R. Section 393.75, as that regulation
15 existed on April 1, 2014; or

16 (4) a regulation under 49 C.F.R. Part 393, Subpart I,
17 as that regulation existed on April 1, 2014.

18 SECTION 2. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 3. This Act takes effect September 1, 2015.